

## REMARKS

The present amendment is in response to the Office Action dated April 28, 2009. Claims 1—31 are pending in the application. By this amendment, claims 1, 11, 17-25 have been amended, new claims 26—31 have been added, and no claims have been cancelled.

### **Claim Objections**

Claims 18—25 have been objected to as confusing since the preamble refers to a mounting assembly claimed in claim 17, whereas the preamble of claim 17 claims a method of dispensing sections of a roll of sheet material. In response, the preamble of claims 18—25 has been amended to recite a "method." Therefore, withdrawal of this objection is respectfully requested.

### **Claim Rejections**

Claims 1—25 stand rejected as being obvious in light of U.S. Patent No. 5,597,135 ("Vandersteene"), U.S. Patent No. 6,364,245 ("Paal"), and U.S. Patent No. 1,919,769 ("Brown"). Specifically, the Examiner rejects independent claims 1, 11, and 17 as obvious in light of Vandersteene and Paal.

While the applicant believes that there are strong arguments to traverse the Examiner's obviousness rejections, to expedite prosecution, the applicant has elected to amend independent claims 1, 11, and 17 to include the additional feature of the bung having a short cylindrical portion frangibly connected to a tubular body of the bung "such that the force required to fracture said frangible connection is less than the force required to withdraw said tubular body from said roll". No new subject matter has been added by way of this amendment. Support for this amendment is provided in the application as a whole and specifically at para. 22.

Vandersteene, Paal, and Brown alone and in hypothetical combination fail to disclose, teach, or suggest (a) a bung having a short cylindrical portion frangibly connected to the tubular body and (b) a frangible connection such that

the force required to fracture the frangible connection is less than the force required to withdraw the tubular body from a roll of sheet material.

Firstly, neither Vandersteene, Paal, nor Brown disclose, teach, or suggest a bung having a short cylindrical portion frangibly connected to the tubular body. According to Webster's Revised Unabridged Dictionary, 1996, the term "frangible" can be defined as "capable of being broken; brittle; fragile; easily broken". This definition is consistent with the use of the term in the subject application, see for example para. 22:

Any attempt to remove bung 30 by twisting the short cylindrical portion 32 results in fracture of the frangible connection to tubular body 35 and destruction of bung 30. The frangible connection is formed at the junction 40 and is fractured easily as a result of a narrowing of the interior wall 39 of the short cylindrical portion 32 to a 30-degree angle 41.

The Examiner alleges that Vandersteene discloses a bung having short cylindrical portion frangibly connected to the tubular body. We disagree. Vandersteene discloses a plug 4 having elastically suspended cams 11 that are inserted into a sleeve 6 to clamp the plug 4 in the sleeve 6 along the longitudinal axis of a paper roll 1. The "clamping" between the plug 4 and sleeve 6 is not a frangible connection. The suspended cams 11 are not designed to be "capable of being broken; brittle; fragile; easily broken". There is no disclosure, teaching or suggestion in Vandersteene that the connection between the plug 4 and sleeve 6 is or can be frangible.

Second, neither Vandersteene, Paal, nor Brown disclose, teach, or suggest a bung having a frangible connection such that the force required to fracture the frangible connection is less than the force required to withdraw the tubular body from a roll of sheet material. Further to the description of Vandersteene above, Vandersteene discloses a plug 4 having a sleeve 6 with longitudinal ribs 12 on its outer surface. While not specifically stated in Vandersteene, it can reasonably be inferred that the ribs 12 serve to secure the sleeve 6 to a roll when the roll rotates with the sleeve 6 about the plug 4. However, there is no disclosure, teaching, or suggestion in Vandersteene that the connection between the plug 4 and the sleeve 16 can be fractured with a

force that is less than the force required to withdraw the sleeve 6 from the roll. By contrast, we submit that it would be apparent to one skilled in the art that the force required to withdraw the sleeve 6 from the roll, by overcoming the resistive force between the ribs 12 and the roll, would be substantially less than the force required to fracture the suspended cams 11 of the plug 4 to withdraw the plug from the sleeve 6.

Further, Brown does not provide any additional disclosure, teaching or suggestion over Vandersteene of a bung having a frangible connection such that the force required to fracture the frangible connection is less than the force required to withdraw the tubular body from a roll of sheet material. Brown discloses a core plug having a cylindrical portion with longitudinal ribs 6 that serve the function of embedding the core plug in the core of a roll of paper to prevent the rotative movement of the core plug therein (col. 1, Ins. 36-47). We submit that combination of Brown with Vandersteene does not disclose a bung having a frangible connection such that the force required to fracture the frangible connection is less than the force required to withdraw the tubular body from a roll of sheet material. By contrast, we submit that it would be apparent to one skilled in the art that the force required to withdraw the core plug from the roll in Brown, by overcoming the resistive force between the ribs 6 and the roll, would be substantially less than the force required to fracture the suspended cams 11 of the plug 4 to withdraw the plug from the sleeve 6 in Vandersteene.

In light of the above amendments and arguments, applicant submits that all of amended claims 1 to 31, which depend on amended claims 1, 11 or 17, are not anticipated or obvious in view of Vandersteene, Paal, and Brown alone and in hypothetical combination.

### **Additional Claims**

Applicant has also added new claims 26—31 to claim specific variants of the frangible connection. We submit that no new subject matter has been added by way of introduction of these claims. Support for these claims can be found in the specification as a whole and in particular at para. 22. Each of these

newly added claims depends from one of the independent claims discussed above. Therefore, each of the newly added dependent claims is allowable over the cited references for at least the reasons discussed above that the independent claim from which the dependent claim depends is allowable.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 04-0258 of Davis Wright Tremaine LLP.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 757-8021.

Respectfully submitted,  
Jed C. Friesen  
DAVIS WRIGHT TREMAINE LLP

By /Heather M. Colburn/  
Heather M. Colburn  
Registration No. 50815

1201 Third Avenue, Suite 2200  
Seattle, WA 98101-3045  
Phone: (206) 757-8021  
Facsimile: (206) 757-7700